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## LEGISLATIVE WRAP-UP

### Thank you from MACo President Bill Kennedy

I would like to thank the many county commissioners from the State of Montana who, over the last four months, testified, e-mailed or phoned the Legislature to help MACo with a fairly successful legislative session.

1<sup>st</sup> Vice-President Doug Kaercher of Hill County and 2<sup>nd</sup> Vice-President John Prinkki of Carbon County did a tremendous job testifying in Helena each week during the session. I thank them for their time away from their families to address MACo issues. There were many bills, issues, amendments .....a lot of stuff going on in the session. My thanks also to Harold Blattie and Gordon Morris for chasing down loose ends to keep us apprised and all of the help we received from the staff at MACo.

This was a successful session with the passage of the Public Defenders Bill, different land use bills and just making sure counties were kept whole. Local government committees, chaired by Senator Jeff Mangen in the Senate and Representative Mark Noennig in the House, ran smoothly and took into consideration our views. We had some tough breaks with the bridge bill, mental health dollars and the gravel pit bill but, in all, we have the next two years to continue work on legislation to help our counties in the future.

I think I know why certain people wanted me to be MACo President during the legislative session. This is like an intense roller coaster ride. But, as Governor Schweitzer starts signing these bills, we will see the fruit of our labors.

I look forward to seeing everyone at the district meetings and remember; there are only 613 days until our next legislative session.

Thanks again to MACo staff, commissioners and local government officials for all of the help during the 59<sup>th</sup> Legislative Session.



### GOVERNOR SCHWEITZER SIGNING SB 162 To Modernize County Official Bonding Laws

FRONT: Sen. Jeff Mangen, Cascade County  
Governor Brian Schweitzer

STANDING (L-R):

MACo President Bill Kennedy, Yellowstone County  
MACo Past President Carol Brooker, Sanders County  
1st Vice President Douglas Kaercher, Hill County  
2nd Vice President John Prinkki, Carbon County

## LAND USE LAW CLINIC

On June 3rd, the Montana Association of Planners is hosting a one day post-legislative clinic at the U of M Law School. The clinic is co-sponsored by the U of M Land Use Law Clinic, MACo/JPIA and MAR.

The clinic will be from 9 am to 4 pm. Sessions will include a legal analysis of the legislation, a practitioner's perspective, a roundtable discussion, and a session "Potholes, Pitfalls, and other things you can fall into." Sessions will feature speakers Myra Shults, Michael Kakuk (MAR/MBIA), John Horwich (U of M), Alan McCormick, and Chris Saunders (City of Bozeman). Registration is \$35 for MAP members and \$50 for non-members. Information can be obtained from Tammy McGill, at fyrpln@peoplepc.com or Janet Cornish, at JanAllyce@aol.com.

## HOMELAND SECURITY GRANT REPORTS DUE

**Progress Reports:** Under the FY04 Homeland Security grant, progress reports need to specifically identify activities which relate to goals or objectives outlined in the FY04 grant application as well as progress made with respect to interoperable communications consortia. The report also needs to include information on equipment decisions and purchases. The progress report is due Monday May 16, 2005. Requests for reimbursements may be delayed if progress reports are not submitted in a timely fashion.

**Reimbursement requests:** Under the FY04 grant, a billing form should be used for reimbursement requests on management, administration, planning, exercises and/or training. This includes invoices and proofs of payments. Please include a cover letter identifying who is submitting the request and who will act as contact person. Jurisdictions which are requesting reimbursement for salaries and/or contracted services, need to include a detailed account of the activities performed and the progress attained towards the goals listed on the grant application.

Questions?

Contact John (406) 841-3948

Gary (406) 841-3974

Terry at (406) 841-3949

## MARK YOUR CALENDAR

<b>May 2</b>	<b>Districts 10, 11</b>	<b>Polson</b>
<b>May 4</b>	<b>Districts 8, 9, 12</b>	<b>Helena</b>
May 6	Co. Attorney Roundtable; MACo Conference Room	
<b>May 11</b>	<b>Districts 1, 2, 3</b>	<b>Forsyth</b>
<b>May 12</b>	<b>Districts 6, 7</b>	<b>Harlowton</b>
<b>May 13</b>	<b>Districts 4, 5</b>	<b>Fort Benton</b>
May 15-18	County Coroners Convention; Whitefish	
May 17-19	Governor's Conference on Aging; Colonial, Helena	
May 25-27	WIR Conference; Tacoma WA	
<b>June 8</b>	<b>MACo Board of Directors; MACo; 10:00 am</b>	
<b>June 9-10</b>	<b>MACo Economic Development Committee; Butte</b>	
June 14-17	MSPOA Convention; Bozeman	
June 17	JPA / JPIA Defense Counsel Retreat	
June 20-23	District Court Clerk Convention; Scobey	

## IT'S TIME TO REVIVE COUNTY COMPENSATION BOARDS

MCA 7-4-2503(4)(a) reads "The county compensation board shall hold hearings annually for the purpose of reviewing the compensation paid to county officers. The compensation board may consider the compensation paid to comparable officials in other Montana counties, other states, state government, federal government and private enterprise."

Population may be used in Compensation Board deliberations. (See page 4) More population information can be found at <http://ceic.commerce.state.mt.us/EstimatesCntyPop.html>.

The **cost-of-living** adjustment factor effective July 1, 2005, is 2.7%.

The **mileage** reimbursement rate is 40.5¢ per mile up to 1,000 miles and 37.5¢ per mile for over 1,000 miles. (MCA 2-18-503)

The **lodging** reimbursement rates include up to \$60 for a motel room, depending on location. Details for locations are posted on the MACo website. Some county officials have different rates.

The **meal** reimbursements are \$5 for morning, \$6 for mid-day, and \$12 for evening (total \$23 per day). (MOM 1-0340.25)

The recent survey for **base salary rates** for county clerk and recorders is posted on the MACo website at

<http://maco.cog.mt.us>

MACo also has various salary publications available online and in hard copy.

## MACo BOARD OF DIRECTORS

### Selections from Minutes of April 6, 2005 Meeting

#### **Lewis and Clark Botanical Exhibition Sponsorship**

Executive Director Gordon Morris shared a letter from the NACo Executive Director requesting contributions to support an art exhibition featuring botanical treasures of the Lewis and Clark expedition from May 19 through June 26, 2006. MACo has been requested to fund this effort with \$1,500, for which Montana would be a featured trail site state. Morris noted that the trail wended its way through 34 current Montana counties. Following the discussion, Board member Paddy Trusler moved to approve funding the project with the requested \$1,500 and follow that by asking the "trail counties" to support this effort with a request for \$50 dollars from each county. The motion was seconded and passed without objection.

#### **MACo Health Care Trust**

Executive Director Morris introduced Bob Robinson and Owen Voigt from Montana Schools

Services Foundation (MSSF). Morris indicated that the Executive Committee had previously approved creating a MACo Health Care Trust. Robinson and Voigt indicated that approximately 1,000 county employees would initially be provided coverage. Administrative cost would be below 10%. Reserves would be established and a provider list would be available. The participants would have a balanced billing system and there would be no back billing as is the case with some programs. Morris noted that the Executive Committee would execute 3 documents—Agreement and Declaration of Trust, MACoHCT By-Laws and an Administrative Service Agreement with MSSF. 1<sup>st</sup> Vice President Douglas Kaercher moved to authorize the Executive Committee to execute the necessary documents. Board member Bernie Lucas and Associate member Karla Christensen seconded the motion and the motion was adopted with four members in opposition.

#### **Homeland Security Grants**

President Bill Kennedy reported that at several district meetings commissioners were concerned over the administration of the grants by the state. At Districts 4 and 5, representation on the Northern Tier Interoperability Plan was discussed and it was pointed out that commissioners should be involved to a greater extent. In order to move this forward, President Kennedy reported that he would set up a meeting with commissioners and the state officials to examine the role and involvement of commissioners. He further noted that he has asked Board member Ed Tinsley to chair this new Ad Hoc committee. Board member David Schulz moved the actions as outlined. The motion was seconded and passed without objection.

**Executive Session** concerning the upcoming Executive Director retirement was the last agenda item. There was no report from the session.

### **POSITION OPENINGS**

#### **DEPARTMENT OF NATURAL RESOURCES and CONSERVATION**

#### **Water Resource Specialist Supervisors Two Positions**

#### **Water Resource Specialists in Bozeman, Glasgow, Havre, Helena, Lewistown, and Missoula**

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**Closing Date: May 13, 2005**

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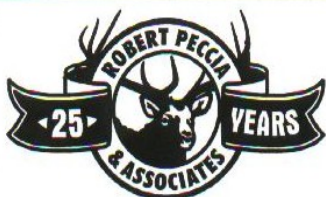
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5405 Momont Road  
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## MONTANA COUNTY POPULATION ESTIMATES (2004)

COUNTY	POPULATION	CHANGE FROM 2003	COUNTY	POPULATION	CHANGE FROM 2003
Anaconda-Deer Lodge.....	9,088	84	Liberty .....	2,020	-15
Beaverhead .....	8,845	-101	Lincoln.....	19,101	209
Big Horn.....	13,005	116	Madison.....	7,079	141
Blaine .....	6,668	-86	McCone.....	1,775	-39
Broadwater .....	4,530	99	Meagher .....	1,977	7
Butte-Silver Bow .....	33,093	-139	Mineral .....	3,879	4
Carbon.....	9,755	-20	Missoula .....	99,018	502
Carter .....	1,324	-7	Musselshell .....	4,515	30
Cascade .....	79,849	70	Park.....	15,791	3
Chouteau .....	5,575	-19	Petroleum.....	492	3
Custer.....	11,454	92	Phillips.....	4,201	-58
Daniels .....	1,844	-73	Pondera.....	6,148	-47
Dawson.....	8,635	-110	Powder River.....	1,785	-47
Fallon.....	2,774	6	Powell.....	6,873	-68
Fergus .....	11,539	-106	Prairie.....	1,147	-19
Flathead.....	81,217	1,741	Ravalli .....	39,376	633
Gallatin .....	75,637	2,309	Richland .....	9,112	-65
Garfield .....	1,218	-23	Roosevelt .....	10,660	212
Glacier .....	13,508	230	Rosebud.....	9,270	-39
Golden Valley .....	1,117	60	Sanders.....	10,945	425
Granite.....	2,853	-28	Sheridan.....	3,620	-36
Hill .....	16,376	51	Stillwater.....	8,391	-50
Jefferson.....	10,857	297	Sweet Grass.....	3,699	83
Judith Basin .....	2,191	-8	Teton.....	6,283	-102
Lake.....	27,919	545	Toole .....	5,094	-48
Lewis and Clark .....	57,972	781	Treasure.....	745	-1
			Valley .....	7,270	-23
			Wheatland .....	2,068	-34
			Wibaux .....	971	-15
			Yellowstone.....	134,717	1,401

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Several counties experienced greater than 2% increases since 2003: Golden Valley 5.3%, Sanders 3.8%, Gallatin 3%, Jefferson 2.7%, Sweet Grass 2.2% and Flathead and Broadwater with 2.1% each. Gallatin County grew the most in total numbers of people (2,309) and the change since 2000 (11.5%).

Counties experiencing losses in population are mostly in the eastern half of the state. 29 counties have lost population from 2003 to 2004, with Daniels 3.9%, McCone 2.1%, Powder River 2.6% having the highest reductions.

# ATTORNEY GENERAL OPINION

## Volume 51 No. 2 (Selected sections only)

Full text is available at <http://www.doj.state.mt.us/resources/opinions2005/51-002.pdf>

**QUESTION:** What will be required to qualify a proposed initiative and amendment by initiative as a result of the United States District Court's ruling in Montana PIRG v. Johnson?

Requested by  
Representative Gary Matthews  
Speaker of the Montana House of Representatives

**OPINION:** A judicial decision invalidating the county distribution requirements for signatures to qualify an initiative petition for the ballot, as approved in Constitutional Amendments 37 and 38 and enacted in their implementing legislation, restores the language of the constitution and statutes as they existed before the approval of the invalid amendments.

In 2002, Montana's voters approved two constitutional amendments referred to them by the 2001 Legislature. The first amended the distribution requirements for constitutional initiative petitions and the second amended the distribution requirements for statutory initiative petitions. The 2003 Legislature then amended the statutory petition forms to reflect the amended distribution requirements.

On November 10, 2003, individuals and organizations interested in the initiative process sued for a declaration that the amended distribution requirements were unconstitutional, and for an injunction against their enforcement. The United States District Court for Montana granted the motion in part, holding that "Montana's county distribution requirement results in unequal treatment of qualified electors in different counties," and that "it is unconstitutional on its face under the Fourteenth Amendment's Equal Protection Clause." While the court has not yet entered a final judgment, it is expected to do so before the 2006 elections.

The nullification of the constitutional amendments as unconstitutional results in a return to the distribution requirements as they had been before the attempted amendments. Therefore, the original legislative district distribution requirements fill the void left by the county distribution requirements' unconstitutionality.

When a constitutional amendment fails because of a constitutional defect, it is "nugatory and of no effect." Moreover, a statutory provision may not be severed if "such provision is necessary to the integrity of the statute or was the inducement to its enactment." The sole purpose of the constitutional amendments was to broaden the distribution requirements from legislative districts to counties. Excising the distribution requirements entirely would accomplish precisely the opposite of the result intended by the voters, eliminating rather than broadening the distribution of voter signatures required to qualify an initiative for the ballot. **Therefore, in my opinion the failure of the constitutional amendments leaves the Montana Constitution as it was before their enactment, with the original legislative district distribution requirements intact.**

Twice the people of Montana have indicated their intent that initiative petitions contain a distribution requirement: first in the approval of the Montana Constitution and again those requirements in the constitutional amendments. The excision of the preexisting distribution requirements from the Montana Constitution would create a law neither enacted by the legislature nor approved by the people of Montana. Reversion of the distribution requirements to their original legislative district basis respects both the decisions by the Montana Supreme Court in similar circumstances and--subject only to the constitutional restraints imposed by the court in Montana PIRG v. Johnson--the people's will.

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## NACo HONORS GALLATIN COUNTY

Six U.S. counties, including Montana's Gallatin County, were named winners of the County Leadership in Conservation Awards for "Leadership, Innovation, and Excellence in Land Conservation". The award is sponsored by NACo and the Trust for Public Land (TPL). The award recognizes leadership, innovation, and successful implementation of park and recreational investment by county leaders across America. In addition to the recognition, each county received a \$1,000 travel scholarship to promote countywide land conservation programs as an effective solution to thoughtful regional growth issues.

Gallatin County Commissioner Joe Skinner traveled to Washington, D.C. during the NACo Legislative Conference to accept this award for Gallatin County's open space program.

Over the past 35 years, Gallatin County has watched its rural landscape disappear as population increased by nearly 140%. With the passage of two \$10 million dollar open space bonds in four years, the County can now address the task of balancing mounting sprawl with preserving and enhancing striking mountain vistas, rolling agricultural plains, fish-filled streams, and abundant wildlife. This vision includes building upon 14 conservation projects either completed or in-progress, with the hope of one day preserving over 25,000 acres within the County.

## QUARTERLY OIL AND GAS LEASES

The quarterly oil and gas lease sale conducted by the Montana Department of Natural Resources and Conservation (DNRC) is scheduled for June 7th in Helena. The June sale includes tracts in **Blaine, Gallatin, Garfield, Hill, Liberty, Meagher, Park, Petroleum, Richland, Roosevelt, Rosebud, Sheridan, Toole, and Valley** counties.

The only action proposed at this time is issuing leases for possible future exploration and production. Before any activity occurs, DNRC will prepare an environmental review. The state Board of Oil and Gas must also review and issue a permit before any activity can occur.

A map and a detailed list of tracts being considered by DNRC may be obtained by calling Monte Mason in Helena at (406) 444-2074. The information is also available on the department's Internet site at: <http://www.dnrc.mt.gov/trust/mmbog.htm>

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## SPRING DISTRICT MEETINGS

**DISTRICTS 1, 2, 3**  
**May 11 9:00 am**  
**Forsyth--Country Club**

**DISTRICTS 4, 5**  
**May 13 10:00 am**  
**Fort Benton--Museum**

**DISTRICTS 6, 7**  
**May 12 10:00 am**  
**Harlowton--Youth Center**

**DISTRICTS 8, 9, 12**  
**May 4 10:00 am**  
**Helena Courthouse**

**DISTRICTS 10, 11**  
**May 2 10:00 am**  
**Polson**

## LAND USE LAW FOR COUNTY ATTORNEYS

The next JPIA Land Use Roundtable is scheduled for May 6 in the MACo Conference Room at 10:00 am.

The Roundtable will review cases filed against insured counties, address issues which have arisen since the 2004 Roundtable and discuss land use legislation from the 2005 Legislative session.

Five CLE credits, including one for ethics, is proposed. Lunch will be provided.

County attorneys and/or deputies are asked to respond by **5:00 on Monday, May 2**, by phoning Myra Shults at 549-7224 or [amocsjd@aol.com](mailto:amocsjd@aol.com).

For assistance in making room reservations, please contact MACo at 444-4375.

# COUNTY NEWS

## COUNTY OFFICIALS

### LEWIS and CLARK COUNTY

Commissioner Ed Tinsley was appointed to the Montana Hard Rock Mining Impact Board.

## COUNTY ANNIVERSARIES

**PHILLIPS COUNTY** celebrated its 90th birthday with an open-house, for which 100 people gathered.

**PRAIRIE COUNTY** celebrated the 90th anniversary of the formation of the county in conjunction with County Government Week with an open house, program by elementary students on what county government does for them, senior class students serving as "county officials for a day" and a public "town meeting".



PRAIRIE COUNTY High School Seniors serving as county officials for a day, with Commissioners Todd Devlin, Anne Marie Davis and Bill Leach observing.

## US SUPREME COURT

**BLAINE COUNTY** was denied its request to review the voter district case by the US Supreme Court. As is the custom, no explanation was provided for this and the 266 other cases denied by the Court. The current new system for Blaine County to elect commissioners, each from different districts, will continue.

## ROAD SIGNS

**RICHLAND COUNTY** has suffered a reoccurring theft of traffic signs on State secondary and county roads.

**PARK COUNTY** stop signs at a T-junction on a county road lasted 11 hours. The signs were taken down by unauthorized person(s) after a petition drive protesting the signs was held at the junction. The Commission plans to review speed and accident data before deciding if the stop signs should go back up.

## HEALTH and ENVIRONMENT

**LINCOLN COUNTY** may become a demonstration site for a stove replacement program. The County is listed by the EPA as a non-attainment area to regulate air particulate matter. A trade association representing the woodstove industry may help meet air quality standards by replacing inefficient woodstoves.

**BUTTE-SILVER BOW COUNTY** is considering a requirement for residents to store their garbage cans in racks. This would make it more difficult for roaming dogs to knock cans over and spread garbage.

**GRANITE COUNTY** Healthcare Advisory Board, working with volunteers, will sponsor a mail-in election for a mill levy to provide support for the Nursing Home, Hospital and Clinic.

## MINERAL ROYALTIES

**VALLEY COUNTY**, after hiring a part-time employee to verify that the county is receiving correct mineral royalties, discovered that there is a 6 1/2 % royalty interest on the old county land that was sold to the US government in the 1930s.

## TECHNOLOGY

**LINCOLN COUNTY** abolished its governance of the county's internet-provider business. The county will continue the operation of the service, even though it competes with private sector. The business became more than the all-volunteer board could manage, so the service is to be moved under a county department, with an advisory board.

## COUNTY FACILITIES

**LAKE COUNTY**, the City of Ronana and the Confederated Salish and Kootenai Tribes will jointly purchase property to expand the Lake County Fairgrounds.

**RAVALLI COUNTY** stopped funding local cemeteries which were not in cemetery districts. The five cemeteries felt blind-sided when suddenly faced with loss of traditional county funding. Supporters were scrambling to gather signatures on petitions to qualify for a ballot to form districts.

**CARTER COUNTY** approved an effort to find alternatives for a new location for the library. The current location does not meet accessibility requirements.

## GROWTH / DEVELOPMENT

**GALLATIN COUNTY** agreed to create an "evasion review committee" to battle abuse of the "remainder" loophole in subdivision laws.

**YELLOWSTONE COUNTY** has been challenged by the City Of Billings over a long-standing practice in approving tax incentive applications for both city and county proposals.



## SAFETY ALWAYS HAS ROOM FOR IMPROVEMENT

By Emelia McEwen, MACo Assistant Risk Manager

The goal of any workplace safety program is to prevent employee pain and suffering, as well as the institutional costs associated with ergonomic-related injuries such as increased workers' compensation payments.

Injury reduction can be accomplished through a combination of:

- ▶ Employee training
- ▶ Evaluation of workstations and work practices
- ▶ Implementation of ergonomics control strategies.

The *New York Times* (NYT) instituted a workplace safety program more than ten years ago to reduce workers compensation costs and injury rates. There are five steps that employers can take to improve their safety programs, according to John Kella, NYT ergonomics coordinator:

1. **Empower the Employee** Whether instituting a new safety program or following up on an existing program, employers must help their workers understand the advantages of taking responsibility for their health and wellness on the job.
2. **Train and Re-train** Workplaces are in a constant state of flux. New workers are hired and experienced workers may be moved to new locations. Training employees on the safety hazards associated with their jobs is essential to reducing injuries in the workplace, Kella said.
3. **Anticipate Change** Each division of the company should be studied to anticipate

areas of difficulty. Hazards should be studied when new technology is introduced. In addition, workers will often handle different tasks when departments merge.

4. **Protect Road Warriors** A safety program should also apply to workers who travel.
  - > Awkward postures are common with laptop usage. An external mouse and keyboard is preferred, as the notebook keypad is often too small. Make sure the laptop case can be wheeled.
  - > Traveling workers should also pay attention to their chairs. Workers should sit in chairs with oversized, adjustable armrests.
  - > Make sure to take breaks. Hotel rooms, planes and buses do not make ideal workstations. Take frequent breaks to give muscles a rest.
  - > Lighter travel is healthier travel. Try to reduce the weight of accessories that are carried. Are the extra batteries necessary? Choose a light, durable carrying case
5. **Communicate Effectively** The most important aspect of any ergonomics program is continuous high-quality communication, Kella said. Communication on a regular basis will allow employers to adjust their safety programs and anticipate problems that may occur. Kella suggests keeping the lines of communication open by hosting frequent meetings, roundtable discussions and/or conferences.

**MACo**  
**Risk Management and Training**

**Ray Barnicoat**  
and  
**Emelia McEwen**

**Phone (406) 444-4370**  
**FAX (406) 442-5238**

### HELP!

#### EXHIBITOR INFORMATION MAY BE LOST

Please help resurrect missing information for MACo conference exhibitors.

Please send the names of all people who are to receive MACo exhibitor or sponsor information, along with mailing and emailing contact information to:

Karen Houston  
444-4375  
macomtg@maco.cog.mt.us)



# NACo INFORMATION



## NACo LEGISLATIVE CONFERENCE REPORTS

### AGRICULTURE AND RURAL AFFAIRS

Kathy Bessette, Hill County

From the first meeting I attended to this latest one, I found this 2005 Legislative Conference the best I've attended. The topics were pertinent and the speakers were great.

#### **Agriculture Subcommittee**

The American Farmland Trust is focusing on a farm system that links ag spending to stewardship and sound management and is currently working on farm policy reform. The objectives of farm policy reform are:

- To improve land stewardship
- To ensure the economic viability of agriculture
- To promote environmentally sustainable farming
- To pursue neutral policies for size/scale of operation
- To distribute funds in a manner that is equitable
- To support both incentives and regulations.

#### **Rural Development Subcommittee**

The Committee agreed that if the proposed Bush budget were to pass as written, it would be devastating for agriculture in general and rural American in particular.

#### **Food Safety Subcommittee**

A USDA representative advocated opening the Canadian border to beef imports. The committee felt there should be more stringent scientific guidelines to assure the integrity and safety of the US food supply. (Only 1% of all food imported into the United States is inspected.)

#### **Agriculture and Rural Affairs**

The Acting Undersecretary for Rural Development had a very different slant on the budget, stating that many programs have been consolidated rather than eliminated.

Katie Ziegler, National Farmers Union, considers the budget to be an attack on Rural America. NFU supports COOL (labeling) because 11% of the food consumed in the US is imported, which goes back to food safety issues. NFU opposes the Central American Free Trade Agreement.

Ernie Shea, Natural Resource Solutions, LLC spoke to the group about the role ag can play in ensuring US energy independence.

The committee passed six ag related resolutions, including two presented by the Montana delegation on Canadian beef import and railroad competition.

### COMMUNITY & ECONOMIC DEVELOPMENT

Anita Varone, Lewis and Clark County

#### Resolutions opposing the "Strengthening America's Communities" Initiative

The initiative will consolidate 18 community and economic development programs from five federal agencies and establish a new funding stream for the US Department of Commerce. (eliminates the Community Development Block Grant Program, the Community Services Block Grant Program, rural development resources and the Economic Development Administration)

1. To restore funding to Resource Conservation and Development program (RC&D) back to \$51 million (from proposed \$26 million) and not eliminate federal assistance to 189 RC&D areas.

2. To support Department of Housing & Urban Development (HUD) and oppose the elimination of the Office of Community Planning and Development at HUD.

3. To support Community Development Block Grants (CDBG) and provide a funding level of at least \$4.7 billion.

#### Resolution supporting the preservation of tax incentives that stimulate investment in affordable housing

One would eliminate allowing Fannie Mae and Freddie Mac to invest in tax exempt housing bonds in an amount up to 2% of their assets. The second would require that issuers of tax exempt mortgage revenue bonds, for mortgage assistance to income eligible first time homebuyers, be required to trade in 25% of their bond volume to issue mortgage credit certificates (MCC) instead. MCCs provide a tax credit to income eligible first-time homebuyers to offset a portion of the mortgage interest paid.

#### Resolution supporting the preservation of veterans home loans

To preserve Qualified Veterans Mortgage Bonds (QVMBs), to allow bonding authority in five states (Alaska, California, Oregon, Texas and Wisconsin) and to remove the prohibition of lending the above monies to post-1976 veterans.



# NACo INFORMATION



## NACo LEGISLATIVE CONFERENCE REPORTS

### ENVIRONMENT, ENERGY AND LAND USE

Peggy Beltrone, Cascade County

The Board of Directors of the National Association of Counties became the first national organization to adopt a resolution supporting the 25 x '25 Initiative. The Initiative envisions agriculture providing **25** percent of the total energy consumed in the United States by **2025** while continuing to produce abundant, safe and affordable food and fiber.

I am a member of the Agriculture Energy Work Group of the Energy Future Coalition which sponsors the 25 x '25 Initiative.

Grassroots agricultural leaders and others interested in rural economic development are working together to determine how large a role the ag sector can play in helping the nation achieve energy independence.

I proposed the resolution to support the Initiative to both the NACo Energy, Environment and Land Use and the NACo Agriculture and Rural Affairs sub committees.

The resolution adds NACo to a growing list of supporters. It will direct NACo staff to advocate for policies that help American Agriculture reach this goal.

This is simply a rural economic development initiative that has the spin-off benefits of improving our national security and environment. Who could argue with these goals?

For more information on the 25 x '25 Initiative go to **[www.agenergy.info](http://www.agenergy.info)**

To read the resolution, go to **<http://www.naco.org>** and click on the committee listing on the right side of the page.

### FINANCE & INTERGOVERNMENTAL AFFAIRS

Allan Underdal, Toole County

At the NACo Legislative Conference, Fridays are used to hold subcommittee meetings and Saturday to meet with the full committee. The subcommittees usually listen to speakers, discuss issues, and make recommendations on resolutions about those issues to the full committee. The full committee then takes up the same issues and votes on the resolutions, which when passed, go on to the general business meeting of the membership at the NACo annual meeting.

One of the most important issues discussed at our committee made note of the fact that unfunded mandates still occur even though the Unfunded Mandate Reform Act of 1995 is law. We discussed Help America Vote Act (HAVA) and how it has the potential to be an ongoing drain to state and local governments. We are also subject to fines if we do not have HAVA implemented by 2006. We passed a resolution asking Congress to fully fund HAVA, ask for deferral of the 1-1-06 deadline for implementation, and asked Congress for ongoing funding for maintenance of mandated equipment and the costs borne by local jurisdictions in administering federal elections. If the deadline for implementation for HAVA cannot be deferred, we support asking the Department of Justice to use broad discretion in enforcement of the deadline. The new Attorney General is a former Secretary of State and we hope that he would have an understanding of the issues at stake here.

Other resolutions we supported are for bankruptcy reform, streamlined sales tax, and authorizing counties, cities, and states to advance-refund existing tax exempt bonds.

Several other issues were discussed, such as taxing some of the newer advancements in technology (wireless vs. poles and wires) and the subsequent erosion of our tax base due to those advances. How or if to tax the Internet and other newer technology will no doubt be the topic of future discussions.



# NACo INFORMATION



## NACo LEGISLATIVE CONFERENCE REPORTS

### PUBLIC LANDS

Alan Thompson, Ravalli County  
Montana Coalition of Forest Counties

#### **Federal Lands Payment Subcommittee**

Secure Rural Schools & Community Self-Determination Act Reauthorization--The amount received by counties from this legislation, PILT and other and other forest funding pales in comparison to the economic benefits derived from activities on the National Forest. One problem that could present itself is the Coalition is not supportive of PILT if it comes to a decision between these two funding opportunities.

#### **Federal Land Management Subcommittee**

We need to protect wildlife, but need to develop areas for energy and do it responsibly. ANWR is 19 million acres with 1.5 million acres holding the resource that needs to be developed. Approximately 2000 acres would be needed for the actual infrastructure for drilling and pumping. The development would be done during the winter months over frozen ground so there would be no trace left behind. This can be done responsibly.

#### **Improving the Endangered Species Act (ESA)**

This law is 30 years old and extremely controversial. A broad coalition supports reform of the Act. Contact Senators and Representatives to encourage support for updating and improving the ESA.

#### **Fighting the Threat of Methamphetamine**

A presidential directive requires reducing the drug trafficking problem by 10% this year and by 25% within three years. There is a possibility of moving over-the-counter ingredients to prescription only, providing care for children found in drug labs, and establishing standards for cleanup. Iowa State University is looking for ways to change anhydrous ammonia so it works to fertilize the crops but will be changed chemically so that it won't work in manufacturing drugs. There is Federal assistance available and may be increased as the drug abuse moves from the rural west into urban areas.

Once again I would like to thank the Coalition for allowing me to be on the National Board.

### TRANSPORTATION

Jamie Doggett, Meagher County

I attended all of the Transportation subcommittee meetings which included: Mass Transit-Rail, Highway-Highway Safety, Ports, and Airports. Each subcommittee meeting provided us with a great deal of information and while Montana might not have any ports, it was interesting to learn about what other parts of the county are doing with their transportation problems. We also had the opportunity to hear from many of the federal agencies that oversee transportation funding, regulation and safety.

I was asked to carry a resolution to the Transportation Steering committee entitled Railroad Competition Act. It passed unanimously in both my subcommittee and the full Steering committee. The NACo Executive Board of Directors also passed it forward. We will be involved with it again at the National Conference this summer where the entire delegation will have a chance to debate and vote on it.

We passed three resolutions out of the Transportation Steering committee: Reauthorization of the Transportation Equity Act (TEA 21), Support of Funding for Essential Air Service and the Railroad Competition Act. Each resolution showed the diversity of issues facing counties and how essential highways, air service, and fair railroad rates are to counties and our constituents across this country.

I had hoped to have news regarding the passage of the TEA 21 bill through both houses of Congress. In mid April a letter was sent by NACo asking for immediate consideration of the legislation. In order to plan for, maintain, and build highways, bridges and transit systems, county and state governments need this six year reauthorization passed soon.

Thanks go to Senator Max Baucus who has helped the legislation through his committees and is working to move it through the Senate. I am meeting with his staff in Washington, DC in April to see where the Bill is and get a better understanding of the issues facing Montana.

## AN IDEA FROM TEXAS: ONLINE REVERSE BIDDING PROCESS

Adapted from COUNTY, a publication of the Texas Association of Counties  
Volume 14, Number 2

In an on-line reverse auction, a supplier frequently will submit two or three bids prior to the close of an auction. As a bidder, if one bid is not good enough to be granted, then the bidder has the opportunity to submit another lower bid or bids.

If a county is buying something that will have only one or two bidders, this process wouldn't work. This needs to have a fairly large purchase (of either quantity or big ticket item) in order for bidders to offer competitive prices.

Internet reverse auctions became legal in Texas in 2002. The Texas Procurement Center conducts auctions for

any one or a combination of counties which may want to purchase certain supplies. The Center can attract bidders from a wider area and can combine county purchasing for a larger order, making the bid process more lucrative to suppliers. The Center charges a 5% administrative service fee which is to be included in the final bid.

The administrative work includes ensuring that there will be adequate suppliers on-hand, that they have registered beforehand, and that the buyers are comfortable with the registered suppliers.

From the supplier standpoint, if a bid is submitted on Monday, and on Wednesday

the bid is beat, the supplier would have a limited time to submit another bid. The bid amounts are posted as anonymous bids, so no bidder knows which competitors are in the process. In the Texas system, if a bidder tries to come in at the last five minutes to submit a bid, thinking they'll be able to steal it without a counter-bid, the software automatically extends the auction for another five minutes, and it continues to do that as long as there are more bids.

From the county standpoint, if the low bid comes from a supplier that the county prefers not to use, the county has the choice to select the best bid, instead of the lowest. A county is under no obligation to award the bid and if a county wants to conduct its normal bidding procedures alongside a reverse auction, it could do so.

### MACo News

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**ARTICLES ARE WELCOME**

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